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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,891	05/25/2001	Dana B. Swift	23052	8037

30901 7590 07/29/2004  
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EXAMINER

WU, JINGGE

ART UNIT PAPER NUMBER

2623

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/865,891

Applicant(s)

SWIFT, DANA B.

Examiner

Jingge Wu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) 10-19 and 21 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☐ Claim(s) 1-5, 7, 20, 22, 23 and 25 is/are rejected.  
7) ☐ Claim(s) 6, 8, 9, 24 and 26 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

1. Applicant's election without traverse of species I in paper No. 7 is acknowledged. Accordingly, Claims 1-9, 20, and 22-26 are now presented for prosecution. Claims 11-19, 21-22 are withdrawn from consideration.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by the article "Identifying nude pictures" to Forsyth et al.

As to claim 1, Forsyth discloses a computer based method for evaluating a graphic image tile for the presence of objectionable visual content, the graphic image file comprising a number of pixels each having spectral components defined in accordance with a color model (abstract), the method comprising steps of:

(a) evaluating relative weighting of the spectral components of each pixel in turn to classify each said pixel as either not representing human skin or as possibly representing human skin (pages 103-104, section 1-2); and

(b) processing the graphic image file in relation to the resulting classification of each said pixel during the evaluating step (a) (pages 104-105, section 3).

As to claim 3, Forsyth further discloses the spectral components of each pixel are expressed as a set of numbers each number having an associated numeric value, and wherein the evaluating step (a) comprises steps of:

(a1) generating a set of rules that identify a selected pixel as not representing human skin in relation to the numeric values of the set of numbers (page 104, section 2 and page 106 section 5.1, note that the filter is viewed as the rules) ; and

(a2) applying the set of rules to the numeric values of the set of numbers for each pixel (page 104, section 2 and page 106 section 5.1).

As to claims 4 and 5, Forsyth further discloses the color model comprises an RGB color model so that the spectral components of each pixel are expressed as a set of red, green and blue (R, G, B) components corresponding to the respective amounts of red, green, and blue in each pixels, wherein each RGB having numeric values and comparing to that of other RGB components (page 104 section 2 and page 106 , section 5.1).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 7, 20, 22-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forsyth in view of the article "Statistical color models with application to skin detection" to Jones et al.

As to claim 2, Forsyth mentions detecting nude bodies but does not explicitly mention allowing or disallowing the picture to display based on the finding.

Jones, in an analogous environment, mention detecting adult images based on skin and non-skin pixels detections and avoiding the adult images when detected (page 279).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of the Jones in the method of Forsyth in order to avoid offensive content while surfing in the internet (Jones page 279, section 4).

As to claim 7, Forsyth further discloses steps of:

(c) performing a brightness analysis (edge detection) of each set of adjacent pixels classified as possibly representing human skin to determine whether each said set of adjacent pixels represents a curved surface (3D limb) (page 104 section 3); but does not explicitly mention

(d) disallowing display of the graphic image file when at least one set of adjacent pixels is determined to represent a curved surface.

Jones, in an analogous environment, mention detecting adult images based on skin and non-skin pixels detection and nude image determination, and avoiding the adult images when detected (page 279).

An analogous argument with regard to combining Forsyth and Jones is addressed with regard to claim 2.

As to claims 20, 22-23, and 25, the elements of claims are addressed with regard to claims 1-5 and 7.

***Allowable Subject Matter***

6. Claims 6, 8-9, 24, 26 are objected to as being dependent upon a rejected base claim, but would be allowable **if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

**Contact Information**

7. Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

**Jingge Wu**

**Primary Patent Examiner**

